

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY TRIAL DEMANDED

**PLAINTIFF HEADWATER RESEARCH LLC’S NOTICE OF SUPPLEMENTAL
FACTS REGARDING THE PARTIES’ MOTIONS ON STANDING (DKT. 174, 177)**

Plaintiff Headwater Research LLC (“Headwater”) respectfully submits this notice of supplemental facts regarding the motions filed by the parties regarding standing (Dkt. 174, 177).

On January 31, 2025, a 24-year former executive of Qualcomm, Inc. named David Wise provided deposition testimony in *Headwater Research LLC v. AT&T Services, Inc.*, Case No. 2:23-cv-00397-JRG-RSP (“the AT&T Action”), in response to a subpoena served by AT&T. In the AT&T Action, AT&T is asserting a defense that Headwater lacks standing because Qualcomm allegedly has an ownership interest in the asserted patents, which is what Samsung also argues in the above-captioned action (*see, e.g.*, Dkt. 177) and what Samsung argued in Case No. 2:22-cv-00422-JRG-RSP (“the 422 Action”) (*see, e.g.*, 422 Action, Dkt. 399).

Samsung previously represented to this Court that Mr. Wise was highly relevant to its standing defense and that Samsung was unfairly deprived of the opportunity to seek discovery from him. *See, e.g.*, 422 Action, 7/25/2024 Hearing Tr. at 176:22-177:25 (“[W]e talked to Qualcomm multiple times in pursuit of our subpoena, and their response over and over again was:

Can you give me the names of the people that -- whose files I should search for the things in your subpoena? And we couldn't and didn't."); 422 Action, Dkt. 366 at 14 ("Samsung was prevented from getting discovery from [David Wise]" and "was unable to give third party Qualcomm the name[] of [Mr. Wise] to assist in its search for documents from fifteen years ago."); 422 Action, Dkt. 396 at 3-4 (characterizing Mr. Wise as a "relevant former Qualcomm employee[]" from whom Samsung could have sought discovery").

During his recent deposition in the AT&T Action, Mr. Wise confirmed that he has never been contacted by Samsung, despite Samsung representing to the Court *more than six months ago* that it believed Mr. Wise had relevant information—and despite Samsung having received productions *more than a year ago* of emails between Dr. Raleigh and Mr. Wise in 2009. *See, e.g., id.*; 422 Action, Dkt. 378 at 5-6; Ex. A (1/31/2025 Wise Tr.) at 71:22-72:7 (confirming he has never been contacted by "anyone besides AT&T about any litigation involving Headwater or ItsOn or Dr. Raleigh"). Mr. Wise's deposition responses (to AT&T's questioning) also demonstrate that, despite his involvement in the subject matter of Samsung's standing defense and despite his role as a 24-year executive at Qualcomm (including serving as its Chief Financial Officer), Mr. Wise has no information to support Samsung's standing defense. *See, e.g., Ex. A (1/31/2025 Wise Tr.)* at 34:2-15 (no recollection of any "potential intellectual property ownership dispute between Dr. Raleigh and Qualcomm"), 47:13-16 ("no recollection whatsoever of the ownership interest dispute between Dr. Raleigh and Qualcomm"), 50:9-13 (no recollection of any "facts, documents, and any other information that Qualcomm possessed suggesting that it may own some portion of ItsOn's IP"), 50:18-51:3 (no recollection of "evidence or information that Qualcomm had that led it to believe that it owned some portion of ItsOn's IP"), 51:14-16 (no recollection of "any discussions internally at Qualcomm as to when Dr. Raleigh first invented the IP in question").

Dated: February 7, 2025

Respectfully submitted,

/s/ Reza Mirzaie

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**ATTORNEYS FOR PLAINTIFF,
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 7th day of February 2025, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Kristopher Davis
Kristopher Davis